

Docket No.: GR 98 P 1507 P

*DAC  
ZMW*

Hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

By

Date: December 8, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applic. No. : 09/685,361 Confirmation No.: 4001  
Inventor : Andreas Rusch, et al.  
Filed : October 10, 2000  
Title : Semiconductor Memory Device and Method for Fabricating It  
TC/A.U. : 2812  
Examiner : Lynne Gurley  
**Customer No.:** 24131

**Attention: Office of Petitions**

Hon. Commissioner for Patents  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR § 1.137(a)**

Sir:

The facts leading to this petition are as follows:

Counsel had received a *Notice of Abandonment*, dated July 11, 2003, in the above-identified application, which stated therein that applicants failed to timely file new formal drawings as required in the *Notice of Allowability*, dated August 21, 2002. Responsive to the *Notice of Abandonment*, counsel submitted a *Request for Rescission of Abandonment*, dated July 23, 2003, in which counsel disputed the basis of the abandonment and requested a rescission thereof (copy enclosed). We herewith enclose a copy of the corresponding postcard receipt, which contains the Patent & Trademark Office stamp, dated July 28, 2003.

In light of the fact that we did not receive a response to our submission, we filed status letters, dated August 11, 2005 and October 4, 2005, to no avail.

Pursuant to our telephone conversation of December 4, 2006 with a representative of the Office of Patent Publications, counsel was advised that the instant application was deemed abandoned due to a failure to respond to the *Notice Regarding Drawings*, dated March 26, 2003. The undersigned was unaware of this notice and the corresponding deadline, and therefore requested to receive a copy of the document (copy enclosed).

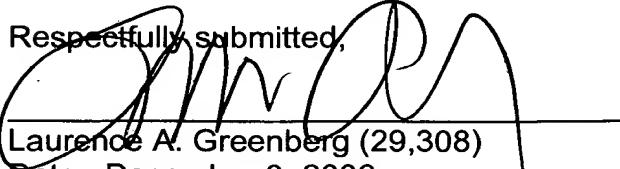
Enclosed herewith, in accordance with Rule 137(a) is:

- a copy of counsel's docket book of May 26, 2003, the date on which the response would have been due, had the *Notice Regarding Drawings* indeed been received
- a copy of the file jacket of this application in which the receipt of the *Notice Regarding Drawings* and the due date for response would normally have been entered
- a declaration by counsel's staff supervisor corroborating the averment that the *Notice Regarding Drawings* was never received
- a response to the *Notice Regarding Drawings dated March 23, 2006*.

Applicants state that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition pursuant to 37 CFR 1.137 was unavoidable.

Applicants request that the application be reinstated under 37 CFR § 1.137(a). The petition fee in the amount of \$500.00 in accordance with Section 1.17(l) is enclosed herewith. Please charge any other fees, which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

  
Laurence A. Greenberg (29,308)

Date: December 8, 2006

Lerner Greenberg Stemer LLP

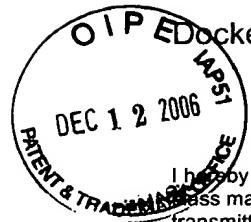
P.O. Box 2480

Hollywood, Florida 33022-2480

Tel.: (954) 925-1100

Fax: (954) 925-1101

/sgp



Docket No.: GR 98 P 1507 P

CERTIFICATION OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Laurence A. Greenberg

December 8, 2006

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : **09/685,361** Confirmation No.: 4001  
Inventor : **Andreas Rusch, et al.**  
Filing Date : **October 10, 2000**  
Title : **Semiconductor Memory Device and Method for Fabricating It**  
TC/AU : **2812**  
Examiner : **Lynne Gurley**  
Customer No. : **24131**

Hon. Commissioner for Patents  
Alexandria, VA 22313-1450

RESPONSE TO  
NOTICE REGARDING DRAWINGS / PTO-948

Sir:

Response to the *Notice Regarding Drawings* dated March 26, 2003.

We herewith submit one (1) replacement sheet of formal drawings, including Figs. 1 and 2.

We respectfully request that these drawings be entered into the record in order to replace the drawings submitted in our Amendment dated July 29, 2002.

Respectfully submitted,

Laurence A. Greenberg (29,308)

Date: December 8, 2006

Lerner Greenberg Stemer LLP

Post Office Box 2480

Hollywood, FL 33022-2480

Tel: (954) 925-1100

Fax: (954) 925-1101

/sgp



Appl. No. 09/685,361  
Response Dated December 8, 2006  
Reply to Notice Regarding Drawings of March 26, 2003  
Replacement Sheet

1/1

FIG. 1

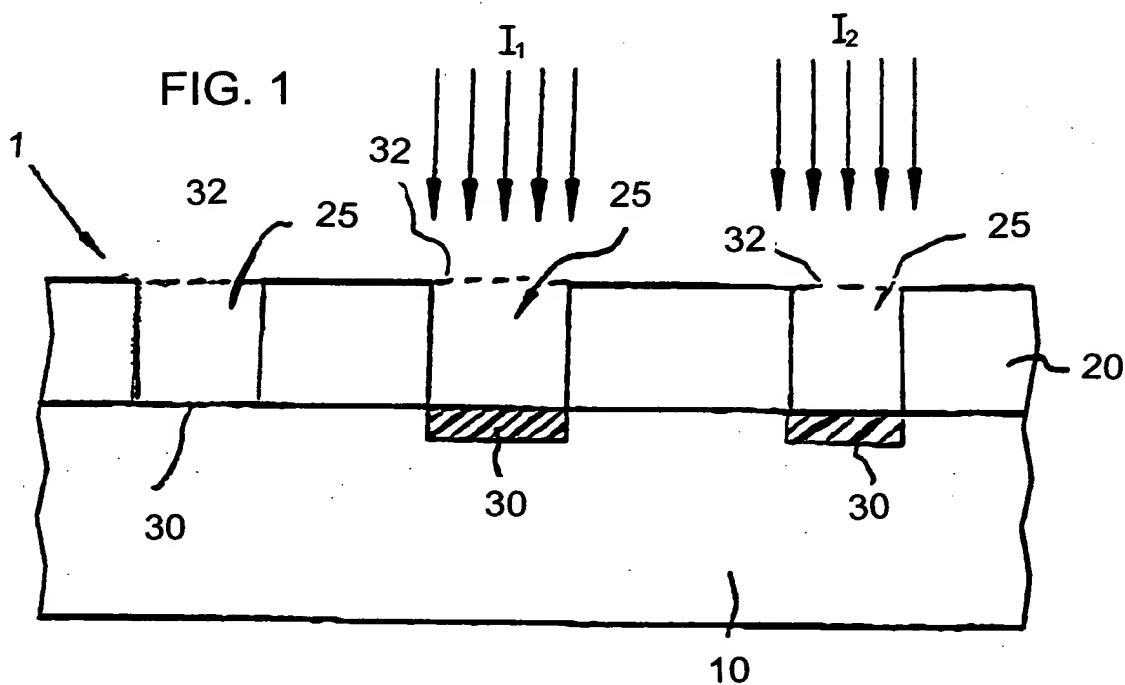
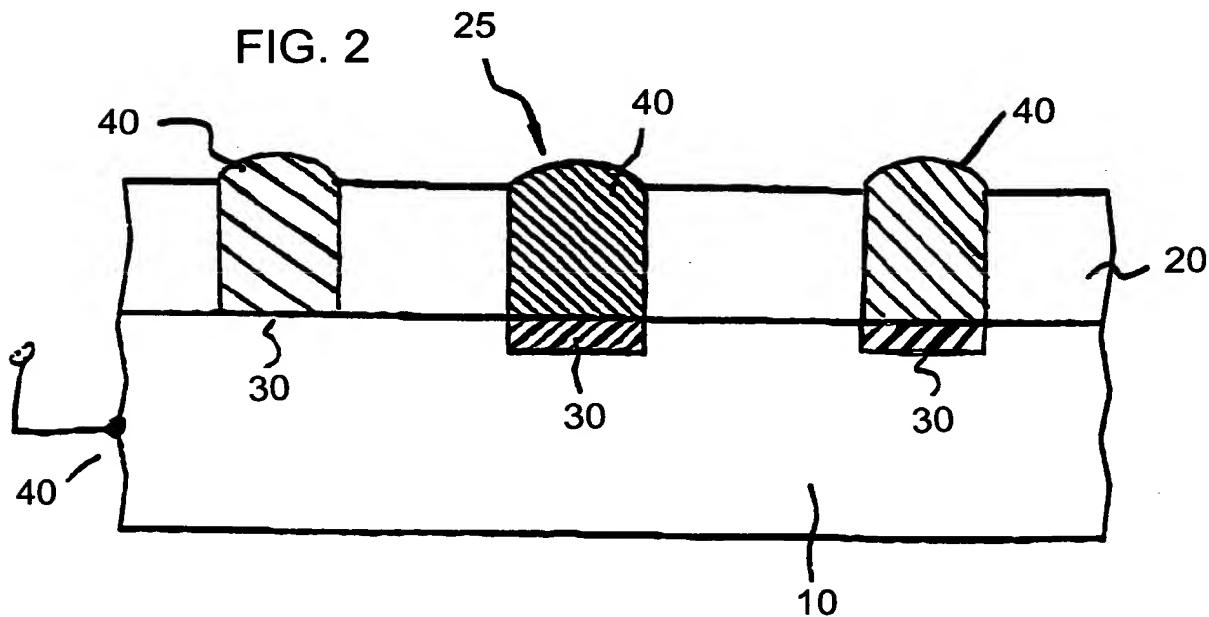


FIG. 2





Docket No.: GR 98 P 1507 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/685,361  
Inventor : Andreas Rusch, et al.  
Filed : October 10, 2000  
Title : Semiconductor Memory Device and Method for Fabricating It  
TC/A.U. : 2812  
Examiner : Lynne Gurley  
Customer No. : 24131

Declaration

I, Birgit Bartell, hereby state that:

- I am the Staff Supervisor at Lerner Greenberg Stemer LLP and I am in charge of receiving and supervising docketing operations such as Patent Office mail, logging same in counsel's docketing system, and keeping all related file and mail logs;
- had a *Notice Regarding Drawings*, dated March 26, 2003 been received in the above-identified application, it would have been entered in the docket book for May 26, 2003 and on the file jacket;
- a thorough review of counsel's office records reveals that neither the docket book nor the file jacket contain a corresponding entry which allows me to state with certainty that no *Notice Regarding Drawings*, dated March 26, 2003, was received in the above-identified application.

I have personally reviewed the file jacket, the pertinent pages of the docket book and the computer records pertaining to the above-identified application. There is no entry to be found which would indicate that a *Notice Regarding Drawings* was ever received on or after March 26, 2003. A corresponding entry would appear in the docket book for May 26, 2003 and on the file jacket. Lerner Greenberg Stemer LLP has very stringent procedures, which assure that such entries are diligently and responsibly made and the firm's entire docket system is carefully crafted with checks and balances to assure that omissions of this type cannot occur.

I have concluded from my review that no *Notice Regarding Drawings* was received from the USPTO with a mail date of March 26, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Birgit Bartell

Date: December 8, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20590  
 www.uspto.gov

APPLICATION NUMBER	FILED/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09 685,361	10/10/00	andreas	GR 98 P 1507

Lerner and Greenberg, PA  
 P.O. Box 2480  
 Hollywood, FL 33022-2480

Examiner
ganey

Unit	Paper Number
2812	521

Data Mailed:  
 March 26, 2003

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 7/29/02 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Drawing Review

## RETURN CORRECTED DRAWINGS TO:

Box Issue Fee  
 Drawings  
 Commissioner for Patents  
 Washington, D.C. 20231

  
 Bridget B. Gray  
 Office of Patent Publication,  
 Publishing Division  
 703-305-8404

Rev. 10/01

BEST AVAILABLE COPY

Farm PTO 946 (Rev. 03/04) U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office Application No. 685361

**NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEW**

The drawing(s) filed (month year) 1-29-17

approved by the Directorate under 37 CFR 1.54 or 1.52.  
 rejected by the Directorate under 37 CFR 1.54 or 1.52 for the reasons indicated below. The Examiner will require submission of new, corrected drawings prior to acceptance. Continued drawing may be submitted according to the instructions on the back of this notice.

**1. DRAWINGS. 37 CFR 1.84(f): Acceptable categories of drawings:**  
Sheet 1st. Class.  
— Color drawings are not acceptable until portion is grouped.  
Fig(s) \_\_\_\_\_

— Drawing 1st and 2nd are not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS. 37 CFR 1.84(g):**  
— 7-1/2" x 10" and 8" x 10" required. Fig(s) \_\_\_\_\_

— Drawings may not be reproduced. 37 CFR 1.84(h):  
Poor quality (bad lines). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER. 37 CFR 1.84(i):**  
— Paper and flexible, strong, white, and durable.  
Fig(s) \_\_\_\_\_

— Smooth, continuous, crosshatching, lined, horizontal, solid, copy machine marks not acceptable. Fig(s) \_\_\_\_\_

— Mylar, vellum paper is not acceptable (use this).  
Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER. 37 CFR 1.84(j):** Acceptable sizes:  
— 31.0 cm by 29.7 cm (A4) (not A3)  
— 21.6 cm by 27.4 cm (B 1/2 & 1 1/2 sheet)  
— All drawings should not the same size.  
Size(s) \_\_\_\_\_

— Drawings sizes not as acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS. 37 CFR 1.84(k):** Acceptable margins:  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: B 1/2 & 1 1/2

Margins not acceptable. Fig(s) \_\_\_\_\_

— Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_  
Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS. 37 CFR 1.84(l):**  
SEMANTIC: Specification may require reference to corresponding to drawing changes.  
Partial views. 37 CFR 1.84(l)(2):  
— Sections needed to show figure as one entity.  
Fig(s) \_\_\_\_\_

— Views are placed separately or properly.  
Fig(s) \_\_\_\_\_

— Extended view not selected separately or properly.  
Fig(s) \_\_\_\_\_

**7. SECTIONAL-VIEWS. 37 CFR 1.84 (N)(2):**  
— Hatching not indicated for sectional purpose of an object.  
Fig(s) \_\_\_\_\_

— Sectional designations should be acted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(l):**  
— Views do not appear as a partment, but in the top or bottom page is either upright or twisted so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE. 37 CFR 1.84(l):**  
— Scale are required to clearly indicate what is being illustrated when drawing is reduced to size for reproduction.  
Fig(s) \_\_\_\_\_

**10. CHARACTERS OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(m):**  
— Lines, numbers & letters are uniformly thick and well defined, clean, durable, and black (other than quantity).  
Fig(s) \_\_\_\_\_

**11. SHADING. 37 CFR 1.84(m):**  
— Solid black areas are. Fig(s) \_\_\_\_\_

— Solid black shading are permitted. Fig(s) \_\_\_\_\_

— Shaded faces, parts, regions and in words. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(n):**  
— Numbers and reference characters are plain and legible.  
Fig(s) \_\_\_\_\_

— Figure legends are poor. Fig(s) \_\_\_\_\_

— Numbers and reference characters are enlarged in the same direction of the view. 37 CFR 1.84(n)(1)  
Fig(s) \_\_\_\_\_

— Enlarged numbers are used. 37 CFR 1.84(n)(2)  
Fig(s) \_\_\_\_\_

— Numbers, letters and reference characters need to be of same size (1/8" to 1/4" height). 37 CFR 1.84(n)(3)  
Fig(s) \_\_\_\_\_

**13. LEAD LINES. 37 CFR 1.84(o):**  
— Lead lines cross each other. Fig(s) \_\_\_\_\_

— Lead lines crossing. Fig(s) \_\_\_\_\_

**14. PLACEMENT OF SHEETS OF DRAWINGS. 37 CFR 1.84(p):**  
— Sheets are numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS. 37 CFR 1.84(q):**  
— Views are numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s) \_\_\_\_\_

**16. CORRECTIONS. 37 CFR 1.84(r):**  
— Corrections are made from prior PTO-148 sheet

**17. DESIGN DRAWINGS. 37 CFR 1.152:**  
— Surface shading shown are appropriate. Fig(s) \_\_\_\_\_

— Solid black shading are used for color contrast.  
Fig(s) \_\_\_\_\_

REVIEWED BY DEPT. 6 SAW DATE 5-18-05 TPI PHONE NO.

**ATTACHMENT TO PAPER NO. \_\_\_\_\_**

**BEST AVAILABLE COPY**

## REMINDER

Drawing changes may also require changes in the specification, e.g., if Fig. 1 is changed to Fig 1A, Fig. 1B, Fig. 1C, etc., the specification, at the Brief Description of the Drawing/subject likewise be changed. Please make such changes by 37 CFR 1.312 Amendment at the time of submitting drawings.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### 1. Corrections of Drawings - 37 CFR 1.35

File new drawings with the changes incorporated therein. Identifying indicia, if provided, should include the date of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. The drawing should be filed as a separate paper with a transmittal letter addressed to the Drawing Review Branch.

### 2. Timing for Corrections

Applicant is required to submit acceptable corrected drawings within the three-month shortened statutory period set in the Notice of Allowability (PTO-37).

Failure to take corrective action within set period will result in ABANDONMENT of the Application.

### 3. Corrections other than Defects Noted by the Drawing Review Branch on the Form PTO-948

All changes to the drawings, other than defects noted by the Drawing Review Branch, MUST be approved by the examiner before the application will be allowed. No changes will be permitted other than correction of defects, unless the examiner has approved the proposed changes.

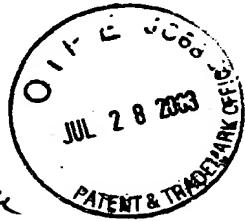
DOCKET NO. *G7 98 P 1507* Mailed *July 23, 2003*  
APLIC. NO. *09/685,361* Express Mail .....

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs . . . Rule 53b New  Contin  Div  CIP  / Rule 53c Prov.  / Rule 53d CPA . . . RCE   
 CIP . . . pgs  Design  . . . Dwgs  Declaration  Mailing Certif.  
 Priority Claim  Cert. Prior. Doc(s)  PCT Cover Sheet WO . . . .  
 Amend pgs . . .  Prel. Amend pgs . . .  Letter  
 Response pgs . . .  37CFR1.116  Not. of Appeal  
 Brief pgs . . .  Appndx pgs . . .  I.D.S. + . . . Refs.  
 Assoc Pwr of Atty  Credit Card \$ . . . .  
 Pet. for Ext . . . Mo.  Pet . . .  Check \$ . . . .  
 Issue Fee  Assignment  PTOL . . . .  
 Cert. Trans.  Cert. of Corr.  File rec. corr.

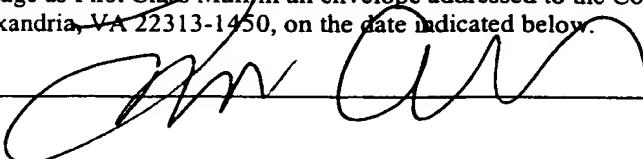
*Copies of Not. of Abandon. / Not. of Allowance*

(Patent Office. Please stamp and return to addressee on reverse side.)



Docket No.: GR 98 P 1507

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By: 

Date: July 23, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Rusch et al.  
Applic. No. : 09/685,361  
Filed : October 10, 2000  
Title : Semiconductor Memory Device and Method for Fabricating It  
Examiner : Lynne Gurley Art Unit: 2812

REQUEST FOR RESCISSION OF ABANDONMENT

Hon. Commissioner Patents,  
Alexandria, VA 22313-1450

Sir:

Counsel has received a *Notice of Abandonment* dated July 11, 2003, in the above-identified application. A copy of the *Notice of Abandonment* is enclosed herewith. It is stated therein that applicants failed to file formal drawings as required in the *Notice of Allowability* dated August 21, 2002.

Applicants herewith submit a copy of the *Notice of Allowance* including the *Notice of Allowability*. Item 2 of the *Notice of Allowability* reads: "The drawings filed on 10/10/00; 7/29/02 are accepted by the Examiner". Furthermore, no box under item 8 "Corrected Drawings" has been checked outlining a requirement for new formal drawings.

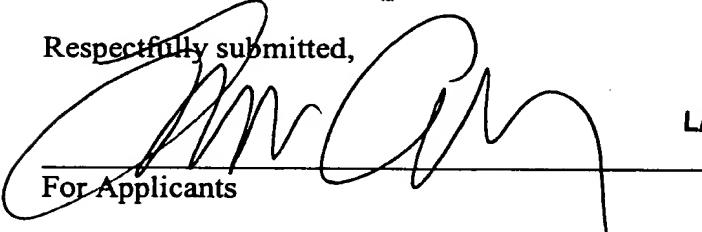
Applicants also point to item 1 of the *Notice of Allowability* which reads as follows: "This communication is responsive to the amendment filed 7/29/02". A *Request to Approve Drawing Changes* was simultaneously submitted with that amendment including an informal drawing of Figs. 1 and 2 and a formal drawing thereof. As stated above, these drawings were

accepted by the Examiner. Therefore, there are no outstanding requirements to be met by applicants in this application.

In view of the foregoing, applicants request that the *Notice of Abandonment* be rescinded and that the application be restored to pending status. The issue fee was timely paid on November 21, 2002. Applicants await the receipt of the issued patent.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
For Applicants

LAURENCE A. GREENBERG  
REG. NO. 29,308

Date: July 23, 2003

Lerner and Greenberg, P.A.  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: (954) 925-1100  
Fax: (954) 925-1101  
/bb



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,361	10/10/2000	Andreas Rusch	GR 98 P 1507	4001

7590                    07/11/2003  
Lerner And Greenberg, P.A.  
P O Box 2480  
Hollywood, FL 33022-2480

[REDACTED] EXAMINER

GURLEY, LYNNE ANN

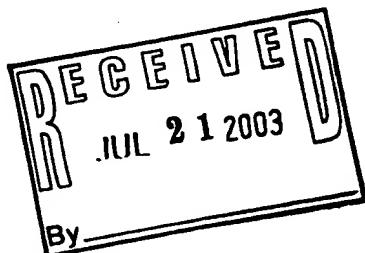
[REDACTED] ART UNIT            [REDACTED] PAPER NUMBER

2812

DATE MAILED: 07/11/2003

P #23

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10/15/85

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

FEB 22  
DATE MAILED:**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.

A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

ABANDONMENT  
CONTACT PERSON IS  
TOM HAWKINS  
305-8380



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

11

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 08/21/2002

Lerner And Greenberg, P.A.  
P O Box 2480  
Hollywood, FL 33022-2480

EXAMINER

GURLEY, LYNNE ANN

ART UNIT

CLASS-SUBCLASS

2812

438-275000

DATE MAILED: 08/21/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,361	10/10/2000	Andreas Rusch	GR 98 P 1507	4001

TITLE OF INVENTION: SEMICONDUCTOR MEMORY DEVICE AND METHOD FOR FABRICATING IT

RECEIVED AUG 27 2002

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280 1310	\$0	\$1280 1310	11/21/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,361	10/10/2000	Andreas Rusch	GR 98 P 1507	4001
7590	08/21/2002		EXAMINER	
Lerner And Greenberg, P.A. P O Box 2480 Hollywood, FL 33022-2480			GURLEY, LYNNE ANN	
			ART UNIT	PAPER NUMBER
			2812	
			DATE MAILED: 08/21/2002	

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,361	10/10/2000	Andreas Rusch	GR 98 P 1507	4001
7590	08/21/2002		EXAMINER	
Lerner And Greenberg, P.A. P O Box 2480 Hollywood, FL 33022-2480 UNITED STATES			GURLEY, LYNNE ANN	
			ART UNIT	PAPER NUMBER
			2812	
DATE MAILED: 08/21/2002				

**Notice of Possible Fee Increase on October 1, 2002**

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2002, then the amount due may be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there may be an increase in fees effective on October 1, 2002. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Notice of Proposed Rulemaking, 67 Fed. Reg. 30634, 30636 (May 7, 2002). Although a change to the amount of the publication fee is not currently proposed for October 2002, if the issue fee or publication fee is to be paid on or after October 1, 2002, applicant should check the USPTO web site for the current fees before submitting the payment. The USPTO Internet address for the fee schedule is: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of any fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after October 1, 2002 (or mailed with a certificate of mailing on or after October 1, 2002), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No. <b>09/685,361</b>	Applicant(s) <b>Rusch et al.</b>
Examiner <b>Lynne Gurley</b>	Art Unit <b>2812</b>

9/11

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed 7/29/02.
2.  The allowed claim(s) is/are 2.
3.  The drawings filed on 10/10/00; 7/29/02 are accepted by the Examiner.
4.  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

5.  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (c)  including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1 <input type="checkbox"/> Notice of References Cited (PTO-892)	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
5 <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449), Paper No(s). <u>12</u>	6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment
7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
9 <input type="checkbox"/> Other	

Art Unit: 2812

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

The non-elected claim 1 has been canceled. Claim 1 was non-elected without traverse in Paper No. 8.

The title has been changed to "Method Of Making A Semiconductor Memory Device".

3. The following changes to the drawings have been approved by the examiner and made by applicant: The changes to the drawings, figures 1-2, submitted 7/29/02 have been accepted by the Examiner. Figure 3, filed 10/10/00 has been accepted by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is (703) 305-3474. The examiner can normally be reached on Monday-Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F. Niebling, can be reached on (703) 308-3325. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Art Unit: 2812

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



August 14, 2002



John F. Niebling  
Supervisory Patent Examiner  
Technology Center 2800

(2)

**Inventor** Andreas Rusch, Steffen Rothenkäuser, Alexander Truby, Yichi Otani, Ulrich Zirngibl  
**Title** Semiconductor Memory Device and Method for Fabricating It

Ser. No. 09/685,361 Filed October 10, 2000

**Renewal Filed**

### Group

## Room

**Examiner**

Client Reinhard. Skuhra. Weise & Partner

### Foreign Cases

Germany 19815 874.2 April 8, 1998

PCT/DE99/06901 March 25, 1999

Assynee: Infineon Technologies AG

### Allowed

#### Renewal All'd.

Final Fee Paid.

Dat

## ASSIGNMENT

165

WF(WGO)

A2

600000

### Interes

2

Recorded    REEL: 013925 / FRAME: 0926

9203 PATENT FOLDER

Priority Document  
 Drawing(s)/Assignment  
 Divisional  
By Benjamin L. Hagan Date 10/10/00

GR98P1507P V:

RSW

MAY 26 MONDAY

2003 146th day - 219 days follow

Memorial Day, Observed (US)

Spring Bank Holiday (UK)

HK-568 Steinke ✓ Response / as indicated by client  
X ZTP98P3024 Skell ✓ (PKD) Response / faxed 5/27/03  
A-2266 Helmstaedter ✓ (PKD) Response / faxed 5/26/03 105.70  
Mp. Nr. 99582 Gasch ✓ (PKD) Response / sent 5/27/03  
GR97P8016 Hoss (MN) ✓ (PKD) Response / faxed 5/27/03  
GR99P11B6 Montzkae (R) ✓ Response / fax sent 6/26/03  
GR98P3398 Friedrichs ✓ (PKD) Response / sent 5/23/03  
MAS-FIN-233 Göller ✓ Response / as indicated by client  
GR99P2069 Feldtkeller (P) ✓ Response / fax sent 6/26/03  
A-2541 Zahn ✓ (PKD) Response / sent 5/27/03  
MU4-12076 Zelsacher ✓ (R) Response / sent 5/8/03  
TER 01484 Sanders (PKD) ✓ Response / sent 5/27/03  
GR99P4044 Kropp (R) ✓ Response / fax sent 6/26/03  
A-2906 Blanchard (ABD) ✓ Response / faxed 5/27/03  
A-2520 Frank ✓ Brief / faxed 5/23/03 105.70  
E-40071 Males? (MN) ✓ Response / No! per client  
A-2947 Herron (PKD) ✓ Response / sent 5/27/03 - Fax

Fwd. Amendment - 241211-52

BEST AVAILABLE COPY

MAY 26 MONDAY

2003 146th day - 219 days follow

Memorial Day, Observed (US)

Spring Bank Holiday (UK)

HK-568 Steinke ✓ Response abandoned by client  
X ZTP98P3024 Skick ✓ (NY) Response / faxed 5/27/03  
A-2266 Helmstaedter ✓ (NY) Response / faxed 5/26/03 - 5/27/03  
MP. Nr. 97582 Gasch ✓ (NY) Response / sent 5/27/03  
GR97P8016 Hoels \* (MN)? Fin. Response / per. am. rec'd 5/27/03  
GR99P1166 Monizka (R) Response / ext. see 6/26/03  
GR98P3398 Friedrichs ✓ (NY) Response / sent 5/23/03  
MAS-FIN-233 Goller ✓ Response / sent 5/27/03  
GR99P2069 Feldtkeller (R) Response / ext. see 6/26/03  
A-2541 Zahn ✓ (NY) Fin. Response / sent 5/27/03  
MUL-12076 Zetscher J. (R) Response / sent 5/8/03  
TER 01484 Sanders (NY) Response / sent 5/27/03  
GR99P4044 Kropp (R) Response / ext. see 6/26/03  
A-2906 Blanchard (NY) Response / faxed 5/27/03  
A-2520 Franke ✓ Brief / sent 5/26/03 / issue 74  
E-40071 Mcius? (MN) Dec. on Appeal / No! per client  
A-2947 Herron (NY) Response 2 mo. / sent 5/27/03 - fax

28

6

9

E

MAY 26 MONDAY

2003 146th day - 219 days follow

Memorial Day, Observed (US)

Spring Bank Holiday (UK)

HK-568 Steinke ✓ Response / abandoned by client  
X ZTP98P3024 Scheck ✓ (MN) Response / faxed 5/27/03  
A-2266 Helmstaedter ✓ (MN) Response / faxed 5/27/03  
MP. NR. 97582 Gasch ✓ (MN) Response / sent 5/27/03  
GR97P8016 Hoers ✓ (MN) Response / faxed 5/27/03  
GR99P1186 Monzkae (R) Response / ext. see 6/26/03  
GR98P3398 Friedrichs ✓ (MN) Response / sent 5/23/03  
MAS-FIN-233 Goller ✓ Response / abandoned by client  
GR99P2069 Feldtkeller (R) Response / ext. see 6/26/03  
A-2541 Zahn ✓ (MN) Response / sent 5/27/03  
MUL-12076 Zelsacher (R) Response / sent 5/8/03  
TER 01484 Sanders ✓ (MN) Response / sent 5/27/03  
GR99P4044 Kropp ✓ (R) Response / ext. see 6/26/03  
A-2906 Blanchard (R) Response / faxed 5/27/03  
A-2520 Frank ✓ Brief ✓ sent 4/30/03 / issue 74  
E-40071 Mcclus? (MN) Dyc. on Appeal / No! per client  
A-2947 Herron (R) Response / sent 5/27/03 - fax